

COURT OF COMMON PLEAS



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THIRTY - SECOND JUDICIAL DISTRICT
COURTHOUSE
MEDIA, DELAWARE COUNTY, PENNSYLVANIA
19063

SENIOR JUDGES
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June 19, 2019

The Honorable Dan Aaron Polster
The Carl B. Stokes United States
Courthouse
801 West Superior Avenue
Courtroom 18B
Cleveland, OH 44113-1837

RE: National Prescription Opiate Litigation 1:17-MD-2804

**County of Delaware, PA v. Purdue Pharma L.P., et al.
NO. 2017-008095 – Coordinated Civil Proceedings**

Dear Judge Polster,

My Chambers is presiding over the Commonwealth of Pennsylvania state-wide coordinated prescription opiate litigation. The Coordination in the Commonwealth of Pennsylvania was established by a March 26, 2018 Delaware County Common Pleas Court Order. I am writing to request that the following two cases from the Commonwealth of Pennsylvania which are currently on your docket be remanded to the jurisdiction of the Delaware County Court of Common Pleas. The cases are;

1. Delaware County, Pennsylvania v. Purdue Pharma, L.P., et al. CA2:18-05627
2. County of Carbon v. Purdue Pharma, L.P., et al. CA2:18-05625.

At this time in Delaware County PA Common Pleas Court, I am presiding over approximately fifty-five (55) cases in which the Plaintiffs consist of various Counties in the Commonwealth of Pennsylvania, or Municipalities and/or third-party payor cases consisting of union health and welfare funds. On September 14, 2018 a Case Management Order #1 was entered in Delaware County that provided that the two (2) above captioned matters, to wit Delaware County and Carbon County were identified as preliminary objection/discovery test cases along with two additional proceedings, one commenced by the Philadelphia District Attorney and the second by the Carpenters Health and Welfare Fund of Philadelphia. The Case Management Order #1 also established a discovery procedure and deadline of November 1, 2019 for the discovery.

The Delaware County and Carbon County cases were specifically selected by the Court to be test cases because Delaware County is a large suburban area outside of Philadelphia, Pennsylvania, and Carbon County is a more rural county in Northeastern Pennsylvania. Together, both counties would represent a large cross-section of the interest for citizens in the Commonwealth of Pennsylvania.

The Delaware County case was the first case filed in the Commonwealth of Pennsylvania on September 21, 2017, which helps explain why all other Pennsylvania cases thereafter found their way to Delaware County Pennsylvania. All proceedings coordinated in Pennsylvania at this time are coordinated under the docket number for the Delaware County complaint which is at 2017-008095, Court of Common Pleas of Delaware County, Pennsylvania

At this time, there are over fifty-five (55) plaintiffs coordinated with additional filings anticipated. We have over twenty-four (24) defendants consisting of Manufacturers, Retailers and Distributors. The Court herein has heard arguments on Preliminary Objections, issued Protective Orders and entertained Discovery applications.

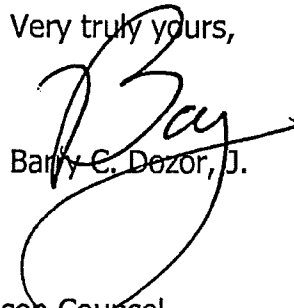
On January 2, 2019 Defendant Walgreen Eastern Company filed a Notice of Removal in the Carbon County and Delaware County test cases to the United States District Court, Eastern District of Pennsylvania. The cases were consolidated by the Eastern District and on April 3, 2019 the United States Judicial Panel on Multi District Litigation entered an Order transferring the two proceedings to your jurisdiction.

The remand of the Delaware County and the Carbon County is warranted and instrumental to the timely processing and management of the coordinated cases in Pennsylvania. At this time, the interest of the Counties in the Commonwealth of Pennsylvania are not being represented, and two substitute proceedings will have to be identified and a new management order be implemented for the disposition of any Preliminary Objections and discovery.

In the event of your timely remand, I will be reinstating these two cases as to the existing Case Management Order with minimal modification.

Thank you for your attention, and please contact my Chambers with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Barry C. Dezor, J.", is written over the typed name.

Barry C. Dezor, J.

cc: Carmen P. Belefonte, Esquire – Plaintiff Liaison Counsel
Rocco P. Imperatrice, III, Esquire – Defense Liaison Counsel

BCD/amp